

REMARKS

Claims 1 and 11 have been amended. Claims 1-20 remain pending in the present application, and are presented to the Examiner for re-examination in light of the amendments and remarks made herein.

The Examiner rejected claims 1-7, 10-15, and 18-19 under 35 U.S.C. §102(b) as being anticipated by Taki (U.S. Patent No. 5,966,665). Applicants respectfully traverse this rejection provided by the Examiner.

It is first noted that the aforementioned claims were rejected under 35 U.S.C. §102(b) as being anticipated by Taki. The Taki patent, however, has an issue date of October 12, 1999, which is subsequent to the filing date of the present application. Accordingly, it is respectfully submitted that the rejection should have been made under §102(*e*) as opposed to §102(*b*).

In the rejection, the Examiner alleges that Taki discloses a method and apparatus for transmitting between first and second communication units of which each comprise a controller to set communication over a plurality of frequencies. The Examiner further contends that Taki sets the first and second communication units to transmit and receive communication over a first radio frequency during a first time frame, setting the first and second communication units to receive and transmit over a second radio frequency during a second time frame, and selecting a second radio frequency during the first time frame.

Applicants, however, respectfully disagree with this rejection as set forth by the Examiner. Although it may appear that Taki allows for selection of a second frequency during a time frame, Applicants respectfully submit that Taki fails to teach or suggest selecting an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during the first time frame. In the system of Taki, there is provided a hopping counter (34) that is incremented one value every time a new frequency hop phase is entered. When the value of the hopping counter reaches a predetermined maximum value, the hop number is reset to zero. The hop number of Taki is used as an index parameter to read hop frequency data from a hopping table 36, and the hop frequency data is output as an output signal (note col. 6, lines 26-32). Taki's system however fails to teach to select an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during the first time frame as defined by the independent claims of the present invention. Therefore, because Taki fails to disclose selecting an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during the first time frame, Applicants respectfully submit that Taki cannot possibly anticipate independent claims 1 and 11 of the present invention, and all claims dependent thereon. Accordingly, Applicants respectfully submit that claims 1-7, 10-15, 18 and 19 are allowable over Taki for at least this reason.

The Examiner further rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Taki (U.S. Patent No. 5,966,665) in view of Deutsch (U.S. Patent No. 5,590,410). Applicants respectfully traverse this rejection provided by the Examiner.

In the rejection, the Examiner alleges that Taki discloses a base unit that is coupled to an external telephone circuit, but expressly fails to specify the external telephone circuit as the PSTN. The Examiner then relies on Deutsch for disclosing a base unit coupled to the PSTN, and alleges that it would have been obvious to have the base unit of Taki coupled to the PSTN to establish communication between the base unit and remote unit in a telephone system.

Applicant respectfully submits, however, that claim 20 either directly or indirectly depends from independent claim 11 of the present invention. Accordingly, because the Examiner's rejection of claim 20 does not make up for the deficiencies as noted with regard to independent claim 11 discussed above (*i.e.*, both Taki and Deutsch fail to disclose selecting an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during the first time frame), Applicant respectfully submits that claim 20 is at least allowable for the same reasons set forth above with regard to the rejection of claim 11 above.

Applicants further note and appreciate the Examiner's indication that claims 8, 9, 16, and 17 of the present invention include allowable subject matter.

Applicants respectfully submit that the remaining rejections in the present application are improper and should be withdrawn because the cited references fail to teach or suggest all of the limitations of the claims as discussed in detail above. Accordingly, in view of the remarks presented herein, a Notice of Allowance is respectfully solicited.

It is believed that no fee is due in connection with filing this paper; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2069.005900.

The Examiner is invited to contact the undersigned at (713) 934-4058 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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APPENDIX OF AMENDED CLAIMS

1. (Amended) A method for transmitting communication between first and second communication units over a plurality of radio frequencies, the method comprising:
setting the first and second communication units to respectively transmit and receive communication over a first radio frequency during a first time frame;
[selecting a second radio frequency during the first time frame]
selecting an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during the first time frame; and
setting the first and second communication units to respectively receive and transmit communication over the second radio frequency during a second time frame.

11. (Amended) An apparatus, comprising:
a first and second communication unit for communication therebetween over a plurality of radio frequencies, the first and second communication units each including:
a controller adapted to set the first and second communication units to respectively transmit and receive communication over a first radio frequency during a first time frame, [select a second radio frequency during the first time frame] select an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a

second radio frequency during the first time frame, and set the first and second communication units to respectively receive and transmit communication over the second radio frequency during a second time frame.